

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERARD HARRIS,

04 CV 2176

Plaintiff,

-against-

ANSWER

**ACADEMY COLLECTIONS SERVICES, INC.,
SIDNEY MILLER, KEITH DICKSTEIN,
MARJORIE GORDON, RICH PORTER,
HANK DEMPSEY, ASHLEY MONTEL a/k/a
MS. ASHMAN and CREDITORS FINANCIAL
GROUP,**

Judge Buchwald

Defendants.

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Defendants, ACADEMY COLLECTIONS SERVICES, INC.
SIDNEY MILLER, KEITH DICKSTEIN, MARJORIE GORDON, RICH
PORTER, HANK DEMPSEY and ASHLEY MONTEL a/k/a MS. ASHMAN,
by their attorney Arthur Sanders, answer plaintiff's complaint as follows:

1. Defendants deny knowledge or information sufficient to form a belief with respect to the allegation contained in Paragraph "1-Introduction" of the complaint.
2. Defendants admit that this Court has subject matter jurisdiction and that venue is proper with respect to the allegations contained in Paragraph "Jurisdiction And Venue" of the complaint.

3. Defendants deny knowledge or information sufficient to form a belief with respect to the allegation contained in Paragraph “1-Parties” of the complaint.

4. Defendants deny the allegation contained in Paragraph “2-Parties” of the complaint.

5. Defendants deny the allegation contained in Paragraph “3-Parties” of the complaint.

6. Defendants deny the allegation contained in Paragraph “4-Parties” of the complaint.

7. Defendants deny the allegation contained in Paragraph “5-Parties” of the complaint.

8. Defendants deny the allegation contained in Paragraph “6-Parties” of the complaint.

9. Defendants deny the allegation contained in Paragraph “7-Parties” of the complaint.

10. Defendants deny the allegation contained in Paragraph “8-Parties” of the complaint.

11. Defendants deny knowledge or information sufficient to form a belief with respect to the allegation contained in Paragraph “9-Parties” of the complaint.

12. Defendants deny knowledge or information sufficient to form a belief with respect to the allegation contained in Paragraph “10-Parties” of the complaint.

13. Defendants deny the allegation contained in Paragraph “1-Allegations” of the complaint.

14. Defendants deny the allegation contained in Paragraph “2-Allegations” of the complaint.

15. Defendants deny the allegation contained in Paragraph “3-Allegations” of the complaint.

16. Defendants deny the allegation contained in Paragraph “4-Allegations” of the complaint and all of its subsections.

17. Defendants deny the allegation contained in Paragraph “1-Request For Class Action” of the complaint.

18. Defendants deny the allegation contained in Paragraph “1-Request For Class Action” of the complaint.

19. Defendants deny the allegation contained in Paragraph “1-Request For Class Action” of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

20. Plaintiff fails to state a claim or cause of action upon which relief

may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

21. Plaintiff's claim may be barred, in whole or in part, by the applicable statute of limitations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

22. Equitable relief is not available as a remedy under the Fair Debt Collection Practices Act.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

23. Plaintiff has not met his burden under the Federal Rules of Civil Procedure and is not entitled to class certification.

WHEREFORE, defendants request judgment dismissing the complaint with prejudice and denying all requested relief therein, together with such other and further relief as the Court deems just and proper, including costs and reasonable attorneys' fees.

Dated: Spring Valley, New York
July 22, 2004

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